

01-28-04

RCE/2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johannes J. Verboom et al.

Docket No: 18504/337

Serial No: 09/851,287

Grp. Art Unit: 2828

Filed: May 8, 2001

Examiner: T.M. Nguyen

For: **LASER DRIVER WITH NOISE REDUCTION FEEDBACK FOR OPTICAL STORAGE APPLICATIONS**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JAN 29 2004
TECHNOLOGY CENTER 2800

**REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL UNDER 37 CFR § 1.114**

1. Submission required under 37 CFR §1.114

- a. ☒ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on _____.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. ☒ Other: Supplemental Information Disclosure Statement, PTO Form 1449 and references filed on January 7, 2004.
- b. ☒ Enclosed
- i. ☒ Amendment and Response
- ii. ☒ A postcard for date-stamped return as confirmation of receipt of these materials.
- iii. ☒ Request for two Month Extension of Time to Respond to Office Action
- iv. ☒ Other: Small Entity Statement

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months.
- b. ☐ Associate Power of Attorney.
- c. ☐ Request for Change of Correspondence Mailing Address.
- d. ☐ Change of Attorney Docket Number Request.
- e. ☐ Information Disclosure Statement 37 C.F.R. §1.56.
- f. ☐ Other:

01/28/2004 AWONDAF1 00000047 501901 09851287

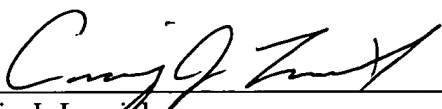
01 FC:2801 385.00 DA

3. Fees

- a. ☒ The Commissioner is hereby authorized to charge all fees associated with this transmittal to Deposit Account No. **50-1901**.
- i. ☒ RCE Fee required under 37 CFR 1.17(e) – Small Entity Status - \$385.00
- ii. ☒ Extension of Time Fee (37 CFR 1.136 and 1.17) - \$210.00
- iii. ☐ Other:

Respectfully submitted,

Date: January 22, 2004



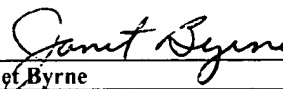
Craig J. Lervick
Reg. No. 35,244
Customer Number: **34205**

OPPENHEIMER WOLFF & DONNELLY LLP
45 South Seventh Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 607-7387

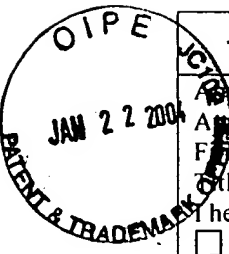
CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence, and any papers/fees attached hereto are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as **Express Mail No. EV256130554**, addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 22, 2004



Janet Byrne



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN		Docket No. (Optional) 18504/302 337
Applicant or Patentee: Johannes J. Verboom, Jeffrey M. Brooke & Gary L. Kline		
Application or Patent No.: 09/851,287		
Filing Date: May 8, 2001		
Title: LASER DRIVER WITH NOISE REDUCTION FEEDBACK FOR OPTICAL STORAGE APPLICATIONS		
I hereby declare that I am		
<input type="checkbox"/> the owner of the small business concern identified below:		
<input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:		
<input checked="" type="checkbox"/> an attorney or agent empowered to act on behalf of the concern identified below:		
NAME OF SMALL BUSINESS CONCERN Plasmon LMS, Inc.		
ADDRESS OF SMALL BUSINESS CONCERN 4425 ArrowsWest Drive, Colorado Springs, Colorado 80907		
<p>I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>		
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p>		
<input type="checkbox"/> the specification filed herewith with title as listed above.		
<input checked="" type="checkbox"/> the application identified above.		
<input type="checkbox"/> the patent identified above.		
<p>If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p>		
Each person, concern or organization having any rights in the invention is listed below:		
<input checked="" type="checkbox"/> no such person, concern, or organization exists.		
<input type="checkbox"/> the person, concern or organization is:		
<p>Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)</p>		
<p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.</p>		
NAME OF PERSON SIGNING: Craig J. Lervick		
TITLE OF PERSON IF OTHER THAN OWNER: Attorney of Record		
ADDRESS: Oppenheimer Wolff & Donnelly LLP, 45 South Seventh Street, Suite 3300, Minneapolis, MN 55402		
SIGNATURE: <u>Craig J. Lervick</u> DATE <u>1-22-04</u>		